

Exhibit A

**Redacted Version of
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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CHASOM BROWN; MARIA NGUYEN; WILLIAM
BYATT; JEREMY DAVIS; and CHRISTOPHER
CASTILLO, individually and on behalf
of all other similarly situated,

Plaintiffs,

No. 5:20-cv-03664-LHK

-against-

GOOGLE LLC,

Defendant.

- - - - - x

Zoom video conference deposition of
RORY McCLELLAND, taken pursuant to
notice, was held remotely, commencing
February 18, 2022, 5:30 a.m. Eastern
Standard Time, before Leslie Fagin, a
Stenographic Court Reporter and Notary
Public in the State of New York.

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A P P E A R A N C E S:

(All Parties Present Via Zoom.)

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BY: BENJAMIN L. BAILEY, ESQUIRE

ELLIOTT MCGRAW, ESQUIRE

ALSO PRESENT:

LESLEY WEAVER, ESQUIRE

BLEICHMAR FONTI

For the Calhoun Plaintiffs

VANESSA WHEELER, Exhibit Tech

Magna Legal Services

1 R. McClelland

2 MS. CRAWFORD: Objection, insofar
3 as you are asking the witness to
4 speculate.

5 A. The way third party ads work is
6 that it's a bidding system, programatic
7 bidding system. Advertisers can bid to show
8 their ad to a user, if they win that bidding
9 process, then their ad is shown on the
10 website the user is visiting. If the user
11 clicks on the ad, then the advertiser pays
12 Google or, otherwise, depending on the ad
13 tech company for that click, so it's a pay
14 per click model.

15 The probability of the user
16 clicking on the ad is partly dependent on the
17 relevancy of the ad to the user, which is
18 where targeted advertising comes in.

19 If you cannot target the user
20 because there isn't a third party cookie,
21 then you have to display a more generic ad
22 which has a lower probability of the user
23 clicking on it and, therefore, a lower
24 probability of the advertiser paying out to
25 Google.

1 R. McClelland

2 The impact of not having a third
3 party cookie was approximately a [REDACTED]
4 [REDACTED] for users that had the cookie
5 blocked.

6 Q. Earlier you mentioned something
7 along the lines of Google not being able to
8 know when people are in Incognito mode.

9 Do you recall that?

10 A. I do, yes.

11 Q. Are you saying that the Chrome side
12 cannot see Incognito signals?

13 MS. CRAWFORD: Objection to the
14 form of the question.

15 A. Chrome itself is aware that the
16 user is in Incognito mode, but Chrome does
17 not send that signal to Google or any other
18 web server.

19 Q. Are you familiar with the X-Client
20 Data Header?

21 A. Not really. It is data sent to the
22 web server on request, but I am not technical
23 enough to understand the contents of it.

24 Q. Are you aware that the X-Client
25 Data Header is not sent to Google servers

1 R. McClelland

2 when users are browsing in Incognito mode?

3 MS. CRAWFORD: Objection, assumes
4 facts, calls for speculation.

5 A. I do. The X-Client Header is about
6 the current experiments in force on the
7 browser and it can be used for trouble
8 shooting, but in Incognito mode, from memory,
9 it wasn't sent because there is risk that it
10 may identify the user.

11 [REDACTED]
12 [REDACTED]
13 [REDACTED]

14 MS. CRAWFORD: Objection, calls for
15 speculation, assumes facts, lack of
16 foundation.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]

25 It could be argued that the

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1 CERTIFICATE

2
3
4 I HEREBY CERTIFY that the foregoing proceedings
5 were duly sworn by me and that the proceedings are a
6 true record.

7 
8
9 Leslie Fagin,
10 Registered Professional Reporter
11 Dated:
12

13 (The foregoing certification of this transcript
14 does not apply to any reproduction of the same by any
15 means, unless under the direct control and/or
16 supervision of the certifying reporter.)
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